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Filing date: **01/31/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219335
Party	Defendant Braniff Holdings, Inc.
Correspondence Address	ANTHONY J ROSSI BRANIFF HOLDINGS INC 200 PARK AVE, SUITE 1700 NEW YORK, NY 10166-0005 UNITED STATES info@braniffholdings.com, braniffholding.com
Submission	Other Motions/Papers
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Date	01/31/2015
Attachments	Applicant's Memorandum of Law for Opposition No 91219335.pdf(67158 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Braniff International Property Company,
Opposer,

v.

Braniff Holdings, Inc.,
Applicant.

Opposition No. 91219335

APPLICANTS' MEMORANDUM OF LAW

The Board requested Applicant Braniff Holdings Inc. to provide additional briefing regarding the delayed response between its current submittal in response to Opposition No. 91219335 due on 18 January 2015, and the action in response submitted 30 January 2015 (See USPTO mailing dated 30 December 2014). Braniff Holdings has obtained and reviewed the reassignment for response and it appears that the address matters are not at an issue in the present action. The Board asked that the Applicant response be addressed by 18 January 2015 in order to proceed on a timely path towards Discovery. Applicant is asserting that the record reflects a subsequent mailing was in fact issued via the U.S. Postal Service dated 30 December 2014 by TTAB Supervisory Paralegal Eric McWilliams. But Braniff Holdings ("Applicant") asserts that said delivery was never received by USPS prior to the stipulated date reassigned by the TTAB. In addition Applicant later learned of said reassignment via a 3rd party email advertisement forewarning of the failure to meet the new deadline as set by the TTAB. The applicant subsequently later uncovered its burden to obtain this following information upon returning to operational status proceeding an untimely death to a director's immediately family member which occurred 10 January 2015. Applicant did in fact concur the said date upon return to service via inspection of electronic means with the TTAB on 23 January 2015, and promptly informed a representative that was reached through the technical assistance line of the TTAB at 571-272-8500. The representative communicated to the applicant at that time that a response could still be accepted provided it was executed within a provisional short timeframe of acceptable parameters. Applicant asserts that upon conferring with counsel to propel an escalated response to this matter, and the diligence required to adequately respond to Opposition No. 91219335 is manifested through it posted response dated 30 January 2014, and therefore seeks the Board's acceptance of the Applicant's response.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

VV

Mailed: December 30, 2014

Opposition No. 91219335

Braniff International Property
Company

v.

Braniff Holdings, Inc.

Eric McWilliams, Supervisory Paralegal:

Opposer's notice of ineffective service of the notice of opposition on applicant (filed December 9, 2014) is noted.

The search of the Board's records reveals that the address for the applicant as entered was incomplete. The record has been updated to add the suite number to applicant's address.

Accordingly, a copy of the Board's institution order (issued on November 13, 2014) and a copy of the notice of opposition (filed November 13, 2014) is mailed to the applicant's last address as shown in the Board's record. Applicant is allowed until **JANUARY 16, 2015** to file its answer to the notice of opposition.

The discovery conference, disclosures, and all subsequent trial dates are reset as indicated below.

Deadline for Discovery Conference

2/17/2015